



CALL TO ORDER

Mayor Brown called the **REGULAR MEETING** of the City Council of the City of La Cañada Flintridge to order at 6:05 p.m.

ROLL CALL

Councilmembers present: Stephen A. Del Guercio, Laura Olhasso, Anthony J. Portantino, Mayor Pro Tem David A. Spence, and Mayor Gregory C. Brown

Staff members present: City Manager Alexander, City Attorney Steres, Director of Public Works Castellanos, Director of Community Development Stanley, City Treasurer Voss, City Engineer Kwan, Senior Planner Buss, Public Safety Coordinator Stegner, and City Clerk Sessman

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Deputy Smith.

COMMENTS FROM THE PUBLIC

Sharon Grey, a resident of La Cañada Flintridge, expressed her concern with damage being done to her cul-de-sac following the City's recent slurry seal. She stated that the street has become a very dangerous situation and requested City Council assistance in correcting the situation.

The following residents of La Cañada Flintridge expressed their opposition to the recently passed Residential Vehicle restrictions recently approved within the R-1 Standards Revisions and requested that the City Council reconsider this matter: Glenn Shindler, Walter Culbertson, John M. Lyons, Marek Tieszynski, Jim Ryan and Nancy Smith.

Nancy Smith, a resident of La Cañada Flintridge, expressed concern with the recent spring fires on upper and lower Angeles Crest and requested that the City revisit any opportunity for funds to underground the electrical lines up Angeles Crest Highway.

PRESENTATIONS

A Certificate of Recognition was presented to Claire Slaughter, 2006 Older American Award Honoree.

A Certificate of Recognition was presented to retiring Crossing Guard Iris LeChimentant.

A Proclamation was presented to the La Cañada Flintridge Chamber of Commerce for the 2006 Fiesta Days and certificates of recognition were presented to Joe Thompson, President of La Cañada Flintridge Chamber of Commerce; Pat Anderson, Executive Director of La Cañada Flintridge Chamber of Commerce; Greg Boyer, 2006 Fiesta Days Chair; and Nick Berkuta, 2006 Fiesta Days Parade Chair.

A Proclamation was presented to Deputy Jim Smith for his dedicated service to the community of La Cañada Flintridge.

Plaques of appreciation were presented to outgoing Planning Commissioner Fred Engler; outgoing Design Commissioners John R. Roberts, Gordon Hoopes, Jay Johnson; outgoing Parks and Recreation Commissioner Keith Tobias; outgoing Public Safety Commissioner Richard De Grey; outgoing Investment and Finance Advisory Committee member Gene Stein; and outgoing Youth Councilmembers Katie Caswell and Mary Kate Hurlbutt for their dedicated service to the community.

Joel Peterson, La Cañada Flintridge (Korean American) Outreach Committee, updated the City Council and the community on the Korean Cultural Awareness Night held during Fiesta Days.

The Public Safety Update for the Fire Department was presented by Battalion Chief Singer.

The Treasurer's Report was presented by Don Voss.

Staff updates on City Projects were presented by Director Castellanos and Director Stanley. Updates on the following projects were given: Inverness Slope Restoration Project; Michigan/Foothill Project; Median Island Project; Chevy Chase Sidewalk and Bulb-Out Project; La Cañada Boulevard Sidewalk and Drop-off zone and La Cañada Properties

Mayor Brown announced that Congressman Dreier's office has confirmed that, in the current transportation appropriation bill, there is a \$500,000 allocation to the City of La Cañada Flintridge towards sound walls. Mayor Brown offered his thanks to Congressman Dreier and his staff for their support and assistance.

REORDERING OF AND ADDITIONS TO THE AGENDA – *NONE*

CONSENT CALENDAR

City Manager Alexander requested that the staff recommendation for agenda item #5 be amended to include the following verbiage, "subject to approval as to form by the City Attorney." There were no objections.

Councilmember Portantino requested that the following correction be made to the Planning Commission Agenda dated June 13, 2006: agenda item IX – A - requested action taken be corrected to read, "Approved 3-4-2 with added conditions, Davitt & Gelhaar dissenting." There were no objections.

Mayor Pro Tem Spence stated that agenda item #6 is a charge of approximately \$25,000 that the County added to our sewer project. He expressed his frustration at seeing government charge government for trying to improve the quality of life in a community.

Mayor Pro Tem Spence inquired, in regards to agenda item #14, whether staff had contacted Monterey Park for their input, who is currently being serviced by Athens. In response, City Manager Alexander stated that city staff did check Athens' references which included Monterey Park.

Councilmember Olhasso recused herself from agenda item #6, due to a potential conflict of interest, as her home is located within 500 feet of the project area. In addition, she requested the following correction to agenda item #10, "Louis Drive" be corrected to "Louise Drive." There were no objections.

Councilmember Del Guercio recused himself from agenda item #6 due to a potential conflict of interest, because his law firm performs legal work for the County of Los Angeles.

Councilmember Portantino inquired whether agenda items #13 and # 14 included new drivers and new equipment. In response, Dennis Chiappetta, Executive Vice-President of Athens Services, explained that new drivers and a gradual updating of equipment are included as part of the transition. Councilmember Portantino expressed his support for hiring new drivers. He explained that, on his way to this evening's meeting, he witnessed a solid waste truck mangle a city tree on Foothill Boulevard.

Motion by Mayor Pro Tem Spence, seconded by Councilmember Portantino, to approve the following Consent Calendar items with the requested corrections to agenda items #3, #5 and #10; Councilmember Del Guercio's and Olhasso's recusal from agenda item #6 noted:

1. Approved recommended procedure for the City Council's review of the La Cañada Properties Town Center Development.
2. Approved Warrant Resolution No. 06-11 dated June 19, 2006, for \$368,120.40.
3. Received and filed Commission Meeting Agendas:
 - (a) Planning Commission Action Agenda from the June 13, 2006 Meeting.
 - (b) Parks and Recreation Commission Agenda from the June 14, 2006 Meeting.
 - (c) Youth Council Agenda from the June 15, 2006 Meeting.
 - (d) Design Commission Action Agenda from the June 15, 2006 Meeting.
4. Received and filed Monthly Report of Investments for the period ending May 31, 2006.
5. Authorized the Issuance of Purchase Orders to Diaz•Yourman & Associates (DYA) and Sanders & Associates Geostuctural Engineering, Inc. (SAGE) to Perform Materials Testing and Inspection Services for the Inverness Drive Slope and Roadway Reconstruction Project.
6. Waived further reading, read by title only and adopted **Resolution No. 06-14** entitled, "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE AUTHORIZING THE CITY MANAGER TO ACCEPT HALLS CANYON DEBRIS BASIN EASEMENT FROM THE COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS FOR SANITARY SEWER PROJECT NUMBER 3A [SEWER ASSESSMENT DISTRICT NO. 04-1] AND AUTHORIZING STAFF TO FILE THE EASEMENT DOCUMENTS WITH THE COUNTY RECORDER."
7. Rejected sole bid from Ken Thompson, Inc. for Sewer Collection System District 2 at Private Driveway Easement D35 and House Laterals for 5123, 5127, and 5131 Gould Avenue and direct staff to re-advertise for bids

8. Authorized the City Manager to execute the Caltrans' Race-Neutral DBE Program Implementation Agreement; and authorize the Director of Public Works to serve as the City's Disadvantaged Business Enterprise Liaison Officer (DBELO) and to submit annual DBE related reports to Caltrans for all federally funded projects.
9. Waived further reading, read by title only and adopted **Resolution No. 06-15** entitled, "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE AUTHORIZING THE CITY MANAGER TO ACCEPT THE EASEMENTS FOR THE 2005 STORM DAMAGE PROJECTS AND DIRECTING THE CITY CLERK TO FILE THE APPROPRIATE EASEMENT DOCUMENTS WITH THE COUNTY RECORDER."
10. Awarded Cash Contract 05/06-12 to The Adjul Corporation dba Lee Construction Co. in the amount of \$184,685 for the Earlmont Avenue Slope Reconstruction between Louise Drive and Jarvis Avenue and include \$45,315 for contingencies, construction support, materials testing, and inspection for a total project cost of \$230,000.
11. Approved the Vector Control Services Agreement for FY 2006-07 between the City of La Cañada Flintridge and the Greater Los Angeles County Vector Control District (GLACVCD) in the amount not-to-exceed \$35,000 to provide vector control services and authorize the City Manager to execute the agreement subject to approval as to form by the City Attorney.
12. Received and filed Solid Waste Issues update.
13. Authorized the City Manager to provide written consent to the assignment of BFI's commercial and residential solid waste contracts to Allied Waste Services of North America, LLC, upon completion (to the satisfaction of the Director of Public Works) of the following preconditions: 1) execution by Allied Waste Services of North America, LLC of acceptance of assignment in a form satisfactory to the Director; 2) payment of any solid waste management fees due and payable under the contracts to the City; 3) reimbursement of City's costs, including consultant costs, to consider the assignment request and to implement the assignment; 4) payment of any liquidated damages or other amounts due City under the collection contracts; 5) execution of an amended Guaranty Agreement by parent company Allied Waste Industries, Inc.; and 6) satisfaction of additional actions identified by the Director necessary, in his opinion, to protect the health and safety of the residents and businesses of the City.
14. Authorized the City Manager to provide written consent to SWRD, Inc.'s, DBA Solid Waste Disposal and Recycling (Solid Waste), request to approve Solid Waste's "assignment" of Solid Wastes' commercial and residential solid waste collection contracts to Athens Services, Inc., upon completion (to the satisfaction of the Director of Public Works) of the following preconditions: (1) execution by Athens of acceptance of assignment in a form satisfactory to the Director; (2) payment of any solid waste management fees due and payable by Solid Waste to the City or estimated to become due and payable prior to City's execution of assignment consent; (3) reimbursement of City's costs, including consultant costs, to consider Solid Waste's assignment request and to implement the assignment; (4) completion of documentation required by Exhibit 3.01a of the commercial and residential agreements, including execution of the affiliate guaranty appended to the agreements; and (5) satisfaction of additional actions identified by the Director necessary, in his opinion, to protect the health and safety of the residents and businesses of the City.

15. Approved Minutes of the City Council:
(a) May 15, 2006 Special Meeting

PUBLIC HEARINGS

16. Appeal of Planning Commission Approval of Hillside Development Permit 04-05; 4430 Rosebank Drive (Appellant: Conservadores De Las Colinas/Duane E. Waters, President)

Mayor Brown **OPENED** the public hearing.

Marty Burton, appellant's attorney, stated that at the City Council's previous meeting it had been announced that an agreement had been reached with the applicant. Unfortunately, that has all changed. Mr. Burton provided a brief overview of the terms agreed upon at the last meeting and explained that the item that is no longer acceptable to the applicant is the condition that the applicant dedicate a trail easement, and that the applicant go further and dedicate an easement over all the property below the trail for conservation purposes. Mr. Burton explained that the Conservadores' concern is with the conservation of the area, and slope stability, and requested the City Council uphold the appeal and deny the project.

Kurt Bednar, representative for the Bilaver's, expressed his disappointment in not reaching an agreement and explained that he also felt that everyone was on the right track as of the last meeting. He explained that following the last City Council meeting, additional discussions with the Conservadores' attorney were held, and things got off course. Because of this, he felt it necessary to seek outside assistance. Mr. Bednar introduced Mr. Kelly Richardson, legal counsel for the Bilavers.

Kelly Richardson, Bilaver's attorney, also expressed his disappointment that an agreement could not be met, but stated that the latest proposed CC & R's he received from the Conservadores attorney are not agreeable. He stated that the Bilaver's have done everything the City Council requested and expressed his desire to see this project approved. In addition, he stated that Mr. Bilaver is still more than willing to dedicate an easement for the trail, but stated as his attorney, he requested that the dedication be sunsetted.

Duane Waters, President of the Conservadores, expressed some confusion but stated that the main objective of the Conservadores is to have a conservation area across the whole hillside and add on to the five acres already owned by the Conservadores. He explained the three main concerns of the property development: the height of the upper story; the inconsistency and maintenance of the grass area; and the location of the trail.

In response to comments made by Mr. Richardson, Mayor Brown inquired from Mr. Bilaver whether he had changed his mind regarding the easement dedication. In response, Mr. Bilaver stated he was more than willing to dedicate the trail easement, with or without the sunset clause.

There was no one else wishing to speak, therefore, Mayor Brown declared the public hearing **CLOSED**.

Councilmember Del Guercio stated that the purpose of this meeting was to look at a project, make findings, and have certain approvals. He pointed out that the applicant had a landscape plan in which Ronnie Siegel had some input, and stated that the applicant didn't have a problem granting the easement in the described location, the issue was the granting of an easement over all the property below the trail.

In response to an inquiry by Councilmember Olhasso, Mr. Bednar explained that the landscape plans currently before the City Council are the result of Roy Leisure's and Ronnie Siegel's collaboration.

In response to an inquiry by Councilmember Olhasso, Senior Planner Buss provided a brief explanation of the City's approval/denial processes of the final landscape plan.

Councilmember Portantino expressed his confusion and disappointment that the two sides were unable to work this out.

Councilmember Portantino inquired about the possibility of adding a condition requiring construction of a fence around the construction area to protect the surrounding area. He expressed his opposition to the easement being "sunsetted," and explained that he was unable to make findings #1, #2, and #5. He stated that he would be more comfortable with this project if it was a two story home rather than a three.

Mayor Pro Tem Spence expressed his support for Councilmember Portantino's request for the inclusion of a condition that requires a fence to be installed around the construction area.

Councilmember Olhasso expressed her pleasure with the applicant's willingness to lower the turret; the offering of the trail easement, and with their willingness to leave the lower half of the property in its native/natural condition. She expressed her concern with the verbiage of condition #21, and felt it should be changed to clear up any confusion regarding the easement. In addition, she expressed her desire to see a condition #22 added to include verbiage requiring that the dispersal wall be screened with appropriate landscaping and that the down slope remain as native plantings.

Councilmember Del Guercio noted that the lot is legal and although it has challenging access aspects, it has been approved by the fire department. He explained that he could make the required findings but did not support a "sunset" on the easement. He also felt that dedication of the lower portion of the lot to the City is beyond what the City Council can ask as a condition. He noted the benefit of getting a conservation area with the conditions of approval. He expressed his approval of the project with the discussed changes.

Mayor Brown spoke in support of the change in design and landscaping. He expressed his desire to see a condition added requiring that the fencing be open, not opaque. He expressed his opposition to having the trail easement "sunsetted."

Councilmember Portantino expressed concern with accessibility and condition #13, regarding construction/contractor parking. In response, Director Stanley explained that if deemed by the Community Development Director that sufficient on-site parking is not available, then any additional construction vehicle or equipment parking must occur off-site at a location approved by the Director of Community Development. He further explained that approval of the off-site location shall be based on the submittal of a **Parking Management Plan** by the applicant that demonstrates that the site shall not interfere with the neighbors in the area or hinder the public's use of the surrounding streets. He stated that contractors and construction workers may be required to carpool to the construction site and no construction, no deliveries and no movement of construction materials shall occur on Sundays or City recognized holidays.

A motion was made by Councilmember Del Guercio, seconded by Mayor Pro Tem Spence, to approve the appeal and overturn the Planning Commission's determination; amend the conditions of approval, specifically conditions #2, #22, and #25, as deemed appropriate; approve Hillside Development Permit 04-05; and direct staff to bring back the Resolution at the next meeting.

The motion carried by the following roll call vote: AYES: Del Guercio, Olhasso and Spence; NOES: Portantino and Brown; ABSTAIN: None; and ABSENT: None.

ORDINANCE

17. Introduction and first reading of a Floodplain Management Ordinance adding Chapter 4.14 to Title 4 of the City of La Cañada Flintridge Municipal Code

The staff report was presented by Director Castellanos.

Mayor Brown **OPENED** the public hearing. There was no one wishing to speak, therefore, Mayor Brown declared the public hearing **CLOSED**.

A motion was made by Mayor Pro Tem Spence, seconded by Councilmember Olhasso, to direct the City Attorney to read by title only and introduce **Ordinance 357** entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE AMENDING THE MUNICIPAL CODE BY THE ADDING CHAPTER 4.14 THERETO RELATING TO FLOODPLAIN MANAGEMENT." The motion carried by the following roll call vote: AYES: Del Guercio, Olhasso, Portantino, Spence and Brown; NOES: None; ABSTAIN: None; and ABSENT: None.

OTHER BUSINESS

18. Appeal of Condition No. 2 of Tree Removal 05-41; (Location: 4616 Viro Road; Applicant: Dale and Karen Boggs)

The staff report was presented by Assistant Planner Lang.

Mayor Brown **OPENED** the public comment session.

Dale Boggs, appellant, made a brief presentation and requested that the City Council approve the appeal of Condition No. 2 of tree removal 05-41, located at 4616 Viro Road.

There was no one else wishing to speak, therefore, Mayor Brown **CLOSED** the public comment session.

City Manager Alexander recommended that the staff recommendation be changed to approve Mr. Boggs' appeal, stating that the requested tree removal does meet the criteria outlined in 4.26.050 of the City of La Cañada Flintridge Municipal Code.

Councilmember Del Guercio expressed his support for approving this particular tree removal and required a replacement tree for the property.

A motion was made by Councilmember Olhasso, seconded by Mayor Pro Tem Spence, to approve the appeal of condition No. 2 of Tree Removal 05-41 located at 4616 Viro Road and include the condition that a 24 inch box replacement tree be placed onsite. The motion carried unanimously.

City Manager Alexander requested a motion from the City Council to continue the meeting past 11:00 p.m. Following a brief discussion, there was consensus from the City Council to continue the City Council meeting past 11:00 p.m. The motion carried unanimously.

19. Award of Contract to E.T. Archer Corporation dba Archer Engineers to Provide Professional Engineering Services for the Evaluation and Analysis of Various Sanitary Sewer Collection Systems for Proposed Sewer District 5 (SD5).

The staff report was presented by Director Castellanos.

Mayor Brown **OPENED** the public comment session. There was no one wishing to speak, therefore, Mayor Brown **CLOSED** the public comment session.

A motion was made by Councilmember Del Guercio, seconded by Councilmember Olhasso, to award a contract to E.T. Archer Corporation dba Archer Engineers to provide professional engineering services for the Evaluation and Analysis of Various Sanitary Sewer Collection Systems for Proposed Sewer District 5 (SD5) and direct staff to negotiate the final scope of work and price with Archer Engineers. The motion carried unanimously.

20. Evaluation of MTA's Route 710 Tunnel Technical Feasibility Assessment Report and Proposed Tunnel.

The staff report was presented by City Manager Alexander.

Mayor Brown **OPENED** the public comment session. There was no one wishing to speak, therefore, Mayor Brown **CLOSED** the public comment session.

Mayor Brown stated that the review study being done by the City of South Pasadena is mostly geotechnical, while our concerns are more environmental. He expressed his support for hiring an air quality/traffic consultant who can monitor this project and start working on ways to protect our interests and the quality of life in our community.

Councilmember Del Guercio suggested that a legal budget be established to obtain legal council to protect the City's interest.

Mayor Pro Tem Spence inquired whether staff had contacted Cynthia Kurtz from the City of Pasadena, and inquired what their plan is regarding this project.

A motion was made by Councilmember Del Guercio, seconded by Mayor Pro Tem Spence, to direct staff to prepare a budget proposal to be considered during the Preliminary Budget hearings for the hiring of an environmental consultant to review the impacts of the proposed tunnel; to bring in expert legal counsel, to start the ground work for the selection of an appropriate consultant, and send a letter of appreciation to the City of South Pasadena for the invitation to participate in their consultant review study but decline. The motion carried unanimously.

CONCLUDING BUSINESS

Councilmembers' report on meetings attended at the expense of the local agency – None

Councilmembers' reports regarding regional and local representation – None

Councilmembers' request for future agenda items – None

Councilmembers' comments

Councilmember Portantino requested that Director Castellanos investigate the condition of the slurry seal on Daleridge.

City Manager and/or staff comments – None

ADJOURNMENT

Mayor Portantino adjourned the meeting at 11:16 p.m.

Kathleen R. Sessman
City Clerk

Minutes Approved by the City Council on September 5, 2006.